Secrt. II-27—40,000—27-10-50.

Food & Agriculture (1950) **Department.**

MS **SERIES.**

G.O. No. 2307

2307

Dated 9. 12. '50

FOR MYSORE STATE

[Despatch Abstract.]

Agriculture - Manures - Chemical Manures

Movement - Issue of Statutory Orders - Deferred.

ABSTRACT.

AGRICULTURE - Manures - Chemical manures - Movement - Issue of a Statutory Order - Deferred.

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FOOD AND AGRICULTURE DEPARTMENT.

G.O.MS.NO.2307 Dated 9/12/1950.

Read the following:-

From the Joint Director of Agriculture No. M.S. No.598/49 dated 27.10.49 and No.M.2 1225/50 dated 21st October 1950.

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ORDER:

Recorded.

The Joint Director of Agriculture is informed that the issue of a statutory order restricting the movement of chemical fertilizers is deferred.

N. MURUGESA MUDALIAR,

DEPUTY SECRETARY TO GOVERNMENT

To

The Joint Director of Agriculture.

/True Copy/

Tsv.13.8.53.

SUPERINTENDENT.

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Note File

NOTE FOR CIRCULATION.

1. The case relates to the question of regulating the movement of chemical fertilizers within and outside the State. The Joint Director of Agriculture requested the Government in August 1949 to instruct the Railways not to book any chemical fertilizers by rail for movement either within or outside the province unless a valid permit was granted by him. As a mere executive order was considered not to be sufficient, it was proposed to issue an order to regulate the movement of chemical fertilizers within and outside the State.

2. Under section 3(1) of the Madras Essential Articles Control and Requesitioning (Temporary Powers) Act, 1946, read with section 297 of the Government of India Act, 1935, the State Government have power to control the movement of manures only within the Madras State. and not to control the export of manures to places outside the State. Under Article 305 of the Constitution of India the above legal position remains unaltered in spite of the provisions in articles 301 and 303 of the Constitution, which deal with freedom of trade. Hence the proposed order to control the movement of chemical manures both within the State and to places outside it cannot be issued under the Madras Act. It may be noted in this connection that the Government of India was addressed by this Government in this Department's letter No.1612 dated 23rd August 1950 to amend the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), to include 'manure' as one of the Act

essential articles specified in section 2(a) of the Act,(*) to regulate the movement of manures outside the State. The Government of India are not in favour of delegating powers to States to place a ban on the export of manures outside their respective territories.

(*) and to delegate the necessary powers to this Govt. under section 3(2)(d) of the Act.

3. In the circumstances, the proposed order will be intravires the State Government if only the scope of the order is restricted to control the movement of Chemical manures within the State. The Joint Director of Agriculture was therefore asked to state whether a statutory order to control the movement of chemical fertilizers within the State is necessary. The Joint Director of Agriculture has stated in reply that unless the statutory order proposed confers powers to prevent unauthorised movement of fertilizers outside the State, no useful purpose will be served, and that under the present conditions there is no need to impose any restrictions on inter-district movements within the State. He has also stated that there has been considerable improvement this year in the supply position and even now movements of fertilizers - straight as well as mixtures - are being effected to places outside the State under permits issued by the Agricultural Department with reference to G.O. Ms.No.1320 Development dated 23rd March 1944. In the circumstances he has suggested that the issue of statutory order proposed in this regard some time ago may, for the time being, be deferred. For orders whether the Joint Director of Agriculture's suggestion may be accepted, and the proposal to issue

a statutory order dropped. Subject to orders a draft order is submitted for approval.

N. MURUGESA MUDALIAR,
DEPUTY SECRETARY TO GOVERNMENT.

The proposal to control movements of chemical manures within the State or expert outside may be dropped. There are no power to control exports and control of interval movements is considered unnecessary at present.

Sd/ 4.12.50.
S.(Ex/Officio)

Sd/ A.B.S.
H.M. (Agri.)
7.12.

/True Copy/

Tsv/ 13.8.53.
J. Robert.
K. Ramkrishnan

SUPERINTENDENT.